IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 4318 OF 2003

IN

FIRST APPEAL (St) NO. 48308 OF 2002

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's Orders	Court's or Judge's Orders
	A.R. Patil, AGP present for appellant. Ms. P.P. Tendulkar h/f. M.S. Karnik for respondents. **CORAM: S.B. DESHMUKH, J.** **DATE : AUGUST 23, 2006.**

P.C. :

1. Heard learned AGP as well as learned counsel appearing for the respondents.

2. By this application, the applicant is seeking condonation of 59 days delay occurred in filing the first appeal challenging the judgment

and order passed by the Learned Commissioner for Workmen's Compensation in W.C.(F)No. 28 of 1999.

3. It is alleged in paragraph 2 of the Civil Application that on receipt of certified copy of the impugned judgment, the papers were forwarded seeking opinion. Thereafter proposal was also submitted for filing of this appeal through Revenue and Forests Department. On receipt of the permission this appeal is filed in the court and thus in this process delay of 59 days is caused in filing of this appeal in this court. Thus according to him, it is because of this process which is required to be undergone before filing of any appeal in this High court that this delay has occurred.

4. In my view, the explanation tendered in the application is just and bonafide. Thus the Civil Application is allowed. Delay of 59 days occurred in filing of the appeal is condoned. Civil Application is accordingly allowed and disposed off.

sd/-

(JUDGE)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 4330 OF 2003

IN

FIRST APPEAL (ST) NO. 48308 OF 2002

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's Orders	Court's or Judge's Orders
	A.R. Patil, AGP for the appellants. P.P. Tendulkar h/f.M.S. Karnik for the respondents.
	CORAM: S.B. DESHMUKH, J.
	DATE : AUGUST 23, 2006.
P.C. :	
	1. Not on Board. Mentioned.
	Taken on board.

2. After hearing the learned AGP as well as the respondent, in my view, interim relief can be granted in favour of the applicant. The learned AGP submits that entire amount of compensation is deposited with the Learned Commissioner for Workmen’s compensation.

3. The learned counsel for the respondent, submits, that the accidental death of deceased Laxman is of September, 1997. The applicant has deposited the amount of compensation to the extent of Rs.1,99,60/- with the learned Commissioner for Workmen’s

Compensation. The learned counsel appearing for the respondents seeks liberty to withdraw this amount of compensation from the Learned Commissioner for Workmen's Compensation. The learned counsel for the respondent submits, that the respondents are ready to furnish security for the amount of Rs.1 lakh.

4. In this view of the matter, the respondents are permitted to withdraw the entire amount of compensation deposited with the learned Commissioner for Workmen's compensation on furnishing surety to the amount of Rs.1 lakh. In addition to surety the respondent shall file

their personal undertaking for entire amount of compensation.

5. Civil Application is disposed off in above terms.

sd/-

(JUDGE)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL (ST) NO. 48308 OF 2002

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's Orders	Court's or Judge's Orders
	A.R. Patil, Govt.Pleader present. P.P. Tendulkar h/f.M.S. Karnik for the respondents.

CORAM: S.B. DESHMUKH, J.

DATE : AUGUST 23, 2006.

P.C. :

1. List the appeal for admission after two weeks.

sd/-

(JUDGE)